

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re	)	Chapter 9
	)	
CITY OF DETROIT, MICHIGAN,	)	Case No. 13-53846
	)	
Debtor.	)	Hon. Steven W. Rhodes
	)	

**LIMITED OBJECTION OF NATIONAL PUBLIC FINANCE GUARANTEE  
CORPORATION TO MOTION OF THE CITY OF DETROIT FOR SITE  
VISIT BY COURT IN CONNECTION WITH THE HEARING ON  
CONFIRMATION OF THE CITY’S PLAN OF ADJUSTMENT**

National Public Finance Guarantee Corporation (“National”), by its undersigned counsel, states as follows for its limited objection to the *Motion of the City of Detroit for Site Visit by Court in Connection with the Hearing on Confirmation of the City’s Plan of Adjustment* filed June 6, 2014 (Docket No. 5250) (the “Motion”):

1. The City’s proposed “bus tour” is not an efficient use of the Court’s or the parties’ time. There are more practical alternatives such as the availability of evidence in the form of photographs, videos and fact and expert witness testimony that could be introduced on the record at trial subject to the rights of all parties under the Federal Rules of Evidence. Absent a showing by the City that evidence in these forms would be insufficient, the Court should deny the Motion. See United States v. Triplett, 195 F.3d 990, 999 (8th Cir. 1999) (finding no abuse of

discretion in denying motion for view where “the evidence presented at trial included photographs and diagrams of the sites of [Defendant’s] arrests, as well as witness testimony regarding the circumstances and conditions at those locations at the relevant times.”); Skyway Aviation Corp. v. Minneapolis, N. & S. Ry. Co., 326 F.2d 701, 708 (8th Cir. 1964) (same).

2. Unlike the principal case that the City has cited in support of its Motion,<sup>1</sup> the City’s bus tour proposal is not like a site visit (*e.g.*, the scene of the crime or accident). There is no one “site”; instead, Detroit is a large, geographically diverse city of 700,000 people. Indeed, the entire cities of Boston and San Francisco, as well as the borough of Manhattan (totaling: 116.96 sq. miles) would fit into the land area of the City of Detroit (139.1 sq. miles). Consequently, a three-hour bus tour could not cover a meaningful fraction of the city, thus calling into question its efficacy. Any value that might result from a bus tour of selective locations chosen only by the City would be significantly outweighed by the prejudice to objectors created by the protocol and the spectacle that the bus tour will likely cause.

3. If the Court is inclined to grant the Motion, the City’s bus tour should count against the City’s trial time. Pursuant to the Court’s scheduling order, finite

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<sup>1</sup> See, *e.g.*, In re Charles Street African Methodist Episcopal Church of Boston, Case No. 12-12292 (FJB) (Bankr. D. Mass.), Docket No. 420 (Oct. 16, 2012) (Motion Exhibit 6A).

trial time has been equally divided between the City and the objecting parties at the Confirmation Hearing. *Fifth Amended Order Establishing Procedures, Deadlines and Hearing Dates Relating to the Debtor's Plan of Adjustment*, dated June 9, 2014 (Docket No. 5259) at 4. The City's own Motion makes clear that this bus tour is being sought solely on the City's behalf in support of the case that the City seeks to make at the Confirmation Hearing. If the City believes that the bus tour is important to the presentation of its case, it should count against its trial time. The City should not be given three extra hours to make such a presentation.

Dated: June 17, 2014

Respectfully submitted by,

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